



February 18, 2011

**VIA ECF**

The Honorable Roanne L. Mann  
United States Magistrate Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Lodge v. United Homes, LLC, et. al.*  
Case No. CV-05-0187 (KAM)(RLM)

Dear Judge Mann:

This firm represents the defendants Bayview Financial Services LLC and Wachovia Bank, N.A. (the "Bayview Defendants"). We write to provide Your Honor with a status of our discussions with plaintiffs' counsel in connection with the payment of fees pursuant to the Court's ruling dated February 11, 2011.

As directed to meet and confer, on February 11, 2011, I inquired of plaintiff's counsel as to their position with respect to the fees claimed due. On Saturday, February 12, I was advised that I would receive advice on plaintiff's position with respect to fees by Monday. On Wednesday, February 16, I was advised by plaintiff's counsel of their demand of \$32,000 in fees, which was reduced by approximately \$3,000 later that day.

Plaintiff's counsel and I had various "conversations" regarding the accrual date of the dispute which gave rise to the Court's February 11, 2011 order. We have not yet been able to come to an agreement as to the date the dispute which gave rise to the February 11, 2011 order accrued, resolution of which may lead us to agree to an amount due.

As stated by plaintiff's counsel in her letter of today's date, we will engage in further discussions upon my return to the office on February 28. Indeed, counsel emailed me today and invited me to "meet and confer" upon my return to continue our discussions, which invitation I readily accepted.

Therefore, as I am out of the office next week, it is respectfully requested that the Court permit the parties to continue discussing resolution of the February 11, 2011 order and that

The Honorable Roanne L. Mann  
February 18, 2011  
Page 2

the parties be permitted to provide the Court with further status on March 5, 2011 as to whether a resolution has been met or if the Court's intervention will be necessary.

Respectfully submitted,

*/s/ Timothy J. Fierst*

Timothy J. Fierst

TJF:me

cc: Counsel of Record (Via ECF)